

March 12, 2004

**VIA UPS AND ELECTRONIC MAIL**

Mary Cottrell, Secretary  
Massachusetts D.T.E.  
One South Station  
Boston, MA 02110

**Re: D.T.E. 03-60: Proceeding by the Department on its own Motion to Implement the Requirements of the Federal Communications Commission's Triennial Review Order Regarding Switching for Mass Market Customers**

**Comments of Covad Communications Company on the Expedited Motion of Verizon Massachusetts Inc. to Stay Track A of This Proceeding.**

Dear Secretary Cottrell:

Covad Communications Company ("Covad") submits these comments to urge the Massachusetts Department of Telecommunications and Energy ("Department") to continue this Department's essential work in the post Triennial Review Docket ongoing in Massachusetts. This docket should proceed on its existing schedule without delay.

Covad strongly supports the Department's efforts and those of your staff to gather, analyze and evaluate the facts about competition in Massachusetts. This effort is critical to insuring that residents of Massachusetts continue to be able to choose new telecommunications services, greater innovation and lower prices.

While Covad understands that legal wrangling in the courts will continue for some time, a few things are absolutely clear. First, we are legally obligated to operate under the existing Triennial Review Order and its deadlines. That Order is in effect now and for at least the next two months. Thus, the post Triennial Review docket must continue. Second, the D.C. Circuit's ruling could be stayed, and eventually overturned. The record must be fully developed to enable you to make the appropriate decisions on unbundled switching, hot cut processes, high capacity loops and interoffice transport. Third, the state commission's role in this process is critical. State commissions alone have the expertise, knowledge and ability to gather the granular information necessary to make decisions on these critical impairment issues. The development of these facts and the record remains imperative to maintenance of competition in the industry.

As a small company struggling to find the resources to continue participation in these dockets, we recognize the burden you and your staffs will be undertaking in continuing to move this docket to resolution. Nonetheless, there has never been a more important time to recognize your vital role in pushing the telecommunications industry toward free and fair competition. The citizens of Massachusetts depend on your efforts to continue your hard work in this docket.

Respectfully submitted,

*Anthony Hansel/Ewe*  
Anthony Hansel, Senior Counsel  
Covad Communications Company

cc: DTE 03-60 service list (via email)